

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

January 22, 2002

D037899 People v. Doke

Judgment affirmed. Benke, J.; We Concur: Kremer, P.J., Haller, J.

D036046 Rutman v. Bennett

The judgment is reversed and remanded in part for further proceedings consistent with this opinion. In all other respects, the judgment is affirmed. Each party to bear its own costs. Kremer, P.J.; We Concur: Nares, J., McDonald, J.

D038965 Pope v. Superior Court of San Diego County/Harris

The petition is denied.

D037055 People v. Smith

The judgment is affirmed. Haller, J.; We Concur: Kremer, P.J., Nares, J.

D039031 In re Wallace on Habeas Corpus

The petition is denied.

D038004 People v. Sherman

Judgment affirmed. Haller, J.; We Concur: Kremer, P.J., McIntyre, J.

D037396 In re Juan S., a Juvenile

The true finding on the allegation of cruelty to animals is reversed. The true finding on the possession of marijuana is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D039245 Francine A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Francine A. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

January 23, 2002

D038601 In re Joel D., a Juvenile

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Nares, J.

D03769 In re Kerch on Habeas Corpus

The petition is granted. Let a writ of habeas corpus issue directing respondent superior court to vacate the judgment and grant Kerch a new trial. Nares, J.; We Concur: Kremer, P.J., McDonald, J.

D036199 Ryan v. California Interscholastic Federation-San Diego Section et al.

D036952

The petition for rehearing is denied.

D035206 Ryan v. California Interscholastic Federation et al.

The petition for rehearing is denied.

D036627 People v. Denning

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., McDonald, J.

D037060 People v. Scata

The judgment is affirmed. Haller, J.; We Concur: Kremer, P.J., McDonald, J.

D036065 Estate of Viljo Peter Kaila, Deceased.

The petition for rehearing is denied.

D038113 People v. Borja

The order is reversed. CERTIFIED FOR PUBLICATION. Kremer, P.J.; We Concur: Benke, J. Huffman, J.

D036608 Allen v. Smith et al.

The petition for rehearing is denied. The opinion is modified. There is no change in the judgment.

D039416 The People v. The Superior Court of Imperial County/Burgueno

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

January 24, 2002

D034461 People v. Martin

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D038112 Saraswati v. Wildes et al.

The judgment is reversed. The superior court is directed to vacate and set aside the judgment and dismiss the action with prejudice. The remittitur is to issue immediately. The parties shall bear their own costs on appeal. Nares, J.; We Concur: Kremer, P.J., O'Rourke, J.

D038475 People v. Ortiz

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D035470 People v. Rosales

The judgment is affirmed. Kremer, P.J.; We Concur: McDonald, J., O'Rourke, J.

D036260 People v. Mayes

D038099 In re Mayes on Habeas Corpus

(consolidated) The sentence is modified to strike the one-year term for the prior prison term enhancement based on case number ECR12265, reducing Mayes's total prison term from nine years to eight years. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward it to the Department of Corrections. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied. Haller, J.; We Concur: Nares, Acting P.J., McConnell, J.

D039371 WHGF Real Estate Limited Partnership v. First San Diego Properties XX, et al.

The appeal is dismissed for failure of appellant to timely deposit costs for preparing the record.

D037488 Fernandez v. Fioretti et al.

The appeal is dismissed.

D039305 Belinda A. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Belinda A. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Belinda A. is dismissed.

D036360 People v. Loftis

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D037933 In re the Marriage of Pat C. and Patricia Forrest

The order is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Nares, J.

D035974 Sandoval, a Minor, etc., et al. v. Bank of America NT & SA

The petition for rehearing is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

January 24, 2002 (Continued)

D027378 Babcock et al. v. ITT Residential Capital Corporation et al.

Order reversed and remanded for further proceedings consistent with the views we have expressed. Each party shall bear its own costs on appeal. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

D035358 Grijalva v. Rancho Vista Del Mar et al.

The judgment is reversed. De La Fuente is awarded costs on appeal. O'Rourke, J.;
We Concur: Kremer, P.J., Huffman, J.

D036728 People v. Martinez

The judgment is modified to reflect both the restitution fine under section 1202.4, subdivision (b) and the parole revocation restitution fine under section 1202.45 are each set at \$3,000. The trial court is directed to amend the abstract of judgment accordingly and forward an amended abstract to the Department of Corrections. In all other respects the judgment is affirmed. CERTIFIED FOR PUBLICATION.
Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D038038 People v. Butler

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D036043 Stern et al. v. Gagnon, Jr.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

January 25, 2002

D038892 In re Tiffani H., a Juvenile

Upon filing a written abandonment of appeal, the appeal is dismissed.

D039103 In re Neiber on Habeas Corpus

The petition is denied.

D038251 People v. Thompson

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037073 In re Jerimeka R., a Juvenile

D038297

(consolidated) Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Haller, J.

D038527 Syntron Bioresearch, Inc. v. Fan

The appeal is dismissed.